

Mollusky, Kathy

Subject: FW: Considering a hearing for PM decision review

From: Karie Oakes [mailto:]
Sent: Tuesday, May 2, 2023 2:40 PM
To: City Council <citycouncil@westlinnoregon.gov>
Cc: Williams, John <JWilliams@westlinnoregon.gov>
Subject: Considering a hearing for PM decision review

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hello Mayor and Councilors,

Thank you for calling the special meeting tonight. If the majority of you vote to review the PM decision, you will have to schedule a hearing. Rather than do that on the fly, it would be prudent to think about what works within the requirements of the CDC.

A hearing requires at least 20-day notice. You must make a final decision by July 7- the 120-day deadline for local review- unless the City (applicant) consents to an extension. A continuance needs to be planned. CC has two options if a continuance is requested. See code below or here <https://www.codepublishing.com/OR/WestLinn/#!/WestLinnCDC/WestLinnCDC99.html#99.170>

It would be reasonable to schedule the hearing for someday the week of June 5. This allows for a continuance (if requested), a rebuttal, and a final City rebuttal (if requested). At a week each, this would put CC deliberation the week of June 26.

Mondays are usual CC meeting dates, but staff is off on Sundays and unable to compile and post written testimonies each week, so consider another day of the week like Tuesday. It gives you as individuals more than 20 days to do your homework and anticipate a decision well before the 120 day deadline.

This schedule avoids weeks of Memorial Day and Fourth of July and leaves a couple of days to continue to deliberate to a decision if needed.

Thank you for considering my thoughts. Please move and vote to order a review of the PM decision.

Sincerely,

Karie Oakes

CDC 99.170 Hearing Procedures

E. Prior to the conclusion of the initial evidentiary public hearing on the application, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. The request shall be granted through one of the following means:

1. Continuation of the public hearing to a date, time, and place certain at least seven days from the date of the initial evidentiary public hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments or testimony. If new written evidence is submitted at the continued hearing, any person may request prior to the conclusion of the continued hearing that the record be left open for at least seven days to submit additional written evidence, arguments, or testimony for the purpose of responding to the new written evidence.

2. Leaving the record open for at least seven days for the presentation of additional written evidence, arguments, or testimony. At the conclusion of this period, any participant may file a request for an opportunity to respond to any additional written evidence, arguments, or testimony. Such a request shall be granted with an additional seven days (at minimum) to file such a written response.

F. If requested, an applicant shall be granted an additional period of at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. Any such time period granted to the applicant shall not be subject to the time limit provisions of Chapter [227](#) ORS regarding local government hearing procedures found in ORS [227.170](#) for quasi-judicial applications.